



General Assembly

Amendment

February Session, 2010

LCO No. 4202

SB0028804202SR0

Offered by:

SEN. MCKINNEY, 28th Dist.

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To: Senate Bill No. 288

File No. 91

Cal. No. 89

"AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL CORRECTIONS TO THE GENERAL GOVERNMENT ADMINISTRATION AND ELECTIONS STATUTES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2010*) (a) The Department of
4 Administrative Services shall assume all responsibilities of the
5 Department of Public Works pursuant to any provision of the general
6 statutes. The transfer of functions, powers, duties, obligations,
7 including, but not limited to, contract obligations, the continuance of
8 orders and regulations, the effect upon pending actions and
9 proceedings, the completion of unfinished business, and the transfer of
10 records and property between the Department of Public Works, as said
11 department existed immediately prior to October 1, 2010, and the
12 Department of Administrative Services shall be governed by the

13 provisions of subsections (a) to (d), inclusive, and subsection (f) of
14 section 4-38d of the general statutes and sections 4-38e and 4-39 of the
15 general statutes.

16 (b) Wherever the words "Department of Public Works" are used or
17 referred to in any public or special acts, the words "Department of
18 Administrative Services" shall be substituted in lieu thereof.

19 (c) Wherever the terms "Commissioner of Public Works" or "Public
20 Works Commissioner" are used or referred to in any public or special
21 acts, the term "Commissioner of Administrative Services" shall be
22 substituted in lieu thereof.

23 (d) Any order or regulation of the Department of Public Works,
24 which is in force on October 1, 2010, shall continue in force and effect
25 as an order or regulation of the Department of Administrative Services
26 until amended, repealed or superseded pursuant to law. Where any
27 order or regulation of said departments conflict, the Commissioner of
28 Administrative Services may implement policies and procedures
29 consistent with the provisions of this act while in the process of
30 adopting the policy or procedure in regulation form, provided notice
31 of intention to adopt regulations is printed in the Connecticut Law
32 Journal within twenty days of implementation. The policy or
33 procedure shall be valid until the time final regulations are effective.

34 Sec. 502. (NEW) (*Effective October 1, 2010*) On and after October 1,
35 2010, (1) "Commissioner of Administrative Services" shall be
36 substituted for "Commissioner of Public Works" or "Public Works
37 Commissioner", and (2) "Department of Administrative Services" shall
38 be substituted for "Department of Public Works", in the following
39 sections of the general statutes: 1-205, 1-210, 2-71h, 3-10, 3-14b, 3-20, 3-
40 21d, 4-61, 4-67g, 4-77b, 4-87, 4-89, 4-142b, 4a-62, 4b-1, 4b-1a, 4b-2, 4b-3,
41 4b-4, 4b-11, 4b-12, 4b-13, 4b-16, 4b-17, 4b-21, 4b-22a, 4b-23, 4b-24, 4b-
42 24a, 4b-25, 4b-27, 4b-29, 4b-30, 4b-30a, 4b-33, 4b-34, 4b-35, 4b-46, 4b-51,
43 4b-51a, 4b-52, 4b-53, 4b-54, 4b-55, 4b-55a, 4b-56, 4b-60, 4b-62, 4b-63, 4b-
44 65, 4b-66a, 4b-67, 4b-68, 4b-69, 4b-70, 4b-71, 4b-72, 4b-73, 4b-74, 4b-76,

45 4b-91, 4b-100, 4b-100a, 4b-101a, 4b-102, 4b-103, 4b-130, 4b-132, 4b-133,
46 4b-134, 4b-135, 5-142, 7-323p, 8-19, 8-37y, 8-206a, 10-283b, 10-284, 10a-
47 4a, 10a-72, 10a-89, 10a-90, 10a-91, 10a-91c, 10a-91d, 10a-150, 13a-73,
48 13a-80i, 13b-20n, 13b-42, 13b-55, 16a-37u, 16a-37v, 16a-38, 16a-38a, 16a-
49 38b, 16a-38d, 16a-38h, 16a-38i, 16a-38j, 16a-38k, 16a-38l, 16a-38m, 16a-
50 39, 17a-27, 17a-27c, 17a-27d, 17a-451b, 17b-655, 17b-739, 18-31b, 20-68,
51 20-311b, 20-503, 22-64, 22a-6, 22a-12, 22a-324, 22a-354i, 22a-439a, 22a-
52 459, 26-3, 27-45, 27-131, 28-1b, 29-251c, 31-57, 31-250, 32-6, 32-228, 32-
53 612, 32-613, 32-655a, 32-656, 45a-80, 46a-29, 49-41b, 51-27a, 51-27c, 51-
54 27d, 51-51k, 51-279.

55 Sec. 503. Section 4-5 of the 2010 supplement to the general statutes is
56 repealed and the following is substituted in lieu thereof (*Effective*
57 *October 1, 2010*):

58 As used in sections 4-6, 4-7 and 4-8, the term "department head"
59 means Secretary of the Office of Policy and Management,
60 Commissioner of Administrative Services, Commissioner of Revenue
61 Services, Banking Commissioner, Commissioner of Children and
62 Families, Commissioner of Consumer Protection, Commissioner of
63 Correction, Commissioner of Economic and Community Development,
64 State Board of Education, Commissioner of Emergency Management
65 and Homeland Security, Commissioner of Environmental Protection,
66 Commissioner of Agriculture, Commissioner of Public Health,
67 Insurance Commissioner, Labor Commissioner, Liquor Control
68 Commission, Commissioner of Mental Health and Addiction Services,
69 Commissioner of Public Safety, Commissioner of Social Services,
70 Commissioner of Developmental Services, Commissioner of Motor
71 Vehicles, Commissioner of Transportation, [Commissioner of Public
72 Works,] Commissioner of Veterans' Affairs, Chief Information Officer,
73 the chairperson of the Public Utilities Control Authority, the executive
74 director of the Board of Education and Services for the Blind, the
75 executive director of the Connecticut Commission on Culture and
76 Tourism, and the executive director of the Office of Military Affairs. As
77 used in sections 4-6 and 4-7, "department head" also means the
78 Commissioner of Education.

79 Sec. 504. Section 4-38c of the general statutes is repealed and the
80 following is substituted in lieu thereof (*Effective October 1, 2010*):

81 There shall be within the executive branch of state government the
82 following departments: Office of Policy and Management, Department
83 of Administrative Services, Department of Revenue Services,
84 Department of Banking, Department of Agriculture, Department of
85 Children and Families, Department of Consumer Protection,
86 Department of Correction, Department of Economic and Community
87 Development, State Board of Education, Department of Emergency
88 Management and Homeland Security, Department of Environmental
89 Protection, Department of Public Health, Board of Governors of
90 Higher Education, Insurance Department, Labor Department,
91 Department of Mental Health and Addiction Services, Department of
92 Developmental Services, Department of Public Safety, Department of
93 Social Services, Department of Transportation, Department of Motor
94 Vehicles, Department of Veterans' Affairs [, Department of Public
95 Works] and Department of Public Utility Control.

96 Sec. 505. Subsection (b) of section 4a-59a of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective*
98 *October 1, 2010*):

99 (b) Notwithstanding the provisions of subsection (a) of this section,
100 the [Commissioners] Commissioner of Administrative Services [and
101 Public Works] may, for a period of one year from the date such
102 contract would otherwise expire, extend any contract in effect on May
103 1, 2005, with a value of fifty thousand dollars or more per year, to
104 perform any of the following services for the state: Janitorial, building
105 maintenance, security and food and beverage. Any such extension
106 shall include any applicable increase in the standard wage and the
107 payroll burden to administer the standard wage, as established by the
108 Labor Department.

109 Sec. 506. Subsections (k) and (l) of section 4a-100 of the 2010
110 supplement to the general statutes are repealed and the following is

111 substituted in lieu thereof (*Effective October 1, 2010*):

112 (k) (1) Any substantial evidence of fraud in obtaining or
113 maintaining prequalification or any materially false statement in the
114 application, update statement or update bid statement may, in the
115 discretion of the awarding authority, result in termination of any
116 contract awarded the contractor by the awarding authority. The
117 awarding authority shall provide written notice to the commissioner of
118 such false statement not later than thirty days after discovering such
119 false statement. The commissioner shall provide written notice of such
120 false statement to [the Commissioner of Public Works,] the
121 Commissioner of Consumer Protection and the President of The
122 University of Connecticut not later than thirty days after discovering
123 such false statement or receiving such notice.

124 (2) The commissioner shall deny or revoke the prequalification of
125 any contractor or substantial subcontractor if the commissioner finds
126 that the contractor or substantial subcontractor, or a principal or key
127 personnel of such contractor or substantial contractor, within the past
128 five years (A) has included any materially false statement in a
129 prequalification application, update statement or update bid
130 statement, (B) has been convicted of, entered a plea of guilty or nolo
131 contendere for, or admitted to, a crime related to the procurement or
132 performance of any public or private construction contract, or (C) has
133 otherwise engaged in fraud in obtaining or maintaining
134 prequalification. Any revocation made pursuant to this subsection
135 shall be made only after an opportunity for a hearing. Any contractor
136 or substantial subcontractor whose prequalification has been revoked
137 pursuant to this subsection shall be disqualified for a period of two
138 years after which the contractor or substantial subcontractor may
139 reapply for prequalification, except that a contractor or substantial
140 subcontractor whose prequalification has been revoked on the basis of
141 conviction of a crime or engaging in fraud shall be disqualified for a
142 period of five years after which the contractor or substantial
143 subcontractor may reapply for prequalification. The commissioner
144 shall not prequalify a contractor or substantial subcontractor whose

145 prequalification has been revoked pursuant to this subdivision until
146 the expiration of said two-year, five-year, or other applicable
147 disqualification period and the commissioner is satisfied that the
148 matters that gave rise to the revocation have been eliminated or
149 remedied.

150 (l) The commissioner shall provide written notice of any revocation,
151 disqualification, reduction in classification or capacity rating or
152 reinstated prequalification to [the Commissioner of Public Works,] the
153 Commissioner of Consumer Protection and the President of The
154 University of Connecticut not later than thirty days after any final
155 determination.

156 Sec. 507. Subsection (a) of section 4b-15 of the general statutes is
157 repealed and the following is substituted in lieu thereof (*Effective*
158 *October 1, 2010*):

159 (a) Each state agency having care, control and supervision of state
160 property, including the Judicial Department and the Joint Committee
161 on Legislative Management of the General Assembly, shall prepare on
162 or before October 1, 1990, and thereafter periodically update, in
163 consultation with the Commissioners of Environmental Protection and
164 [Public Works] Administrative Services, a plan for each facility under
165 its care, control or supervision to (1) reduce the use of disposable and
166 single-use products, in accordance with the plan adopted by the
167 Commissioner of Administrative Services pursuant to section 4a-67b,
168 (2) separate and collect items designated as either suitable or required
169 for recycling pursuant to section 22a-241b. Such plan shall establish a
170 schedule for implementation of the policies recommended in the plan.

171 Sec. 508. Subsection (a) of section 4b-136 of the general statutes is
172 repealed and the following is substituted in lieu thereof (*Effective*
173 *October 1, 2010*):

174 (a) There is established a State-Wide Security Management Council.
175 The council shall consist of the Commissioner of Public Safety, the
176 Commissioner of Administrative Services, the Commissioner of

177 Mental Health and Addiction Services, [the Commissioner of Public
178 Works,] the Commissioner of Emergency Management and Homeland
179 Security, the Secretary of the Office of Policy and Management, the
180 Chief Court Administrator, an attorney appointed by the
181 Commissioner of Public Works, the executive director of the Joint
182 Committee on Legislative Management, a representative of the
183 Governor, a representative of the State Employees Bargaining Agent
184 Coalition and the president of the Connecticut State Police Union or
185 the president's designee. The Commissioner of Public Works shall
186 serve as chairperson of the council. Each council member shall provide
187 technical assistance in the member's area of expertise, as required by
188 the council.

189 Sec. 509. Subsection (a) of section 4d-90 of the general statutes is
190 repealed and the following is substituted in lieu thereof (*Effective*
191 *October 1, 2010*):

192 (a) There is established a Geospatial Information Systems Council
193 consisting of the following members, or their designees: (1) The
194 Secretary of the Office of Policy and Management; (2) the
195 Commissioners of Environmental Protection, Economic and
196 Community Development, Transportation, Public Safety, Public
197 Health, [Public Works] Administrative Services, Agriculture,
198 Emergency Management and Homeland Security and Social Services;
199 (3) the Chief Information Officer of the Department of Information
200 Technology; (4) the Chancellor of the Connecticut State University
201 System; (5) the president of The University of Connecticut; (6) the
202 Executive Director of the Connecticut Siting Council; (7) one member
203 who is a user of geospatial information systems appointed by the
204 president pro tempore of the Senate representing a municipality with a
205 population of more than sixty thousand; (8) one member who is a user
206 of geospatial information systems appointed by the minority leader of
207 the Senate representing a regional planning agency; (9) one member
208 who is a user of geospatial information systems appointed by the
209 Governor representing a municipality with a population of less than
210 sixty thousand but more than thirty thousand; (10) one member who is

211 a user of geospatial information systems appointed by the speaker of
212 the House of Representatives representing a municipality with a
213 population of less than thirty thousand; (11) one member appointed by
214 the minority leader of the House of Representatives who is a user of
215 geospatial information systems; (12) the chairperson of the Public
216 Utility Control Authority; (13) the Adjutant General of the Military
217 Department; and (14) any other persons the council deems necessary
218 appointed by the council. The Governor shall select the chairperson
219 from among the members. The chairperson shall administer the affairs
220 of the council. Vacancies shall be filled by appointment by the
221 authority making the appointment. Members shall receive no
222 compensation for their services on said council, but shall be
223 reimbursed for necessary expenses incurred in the performance of
224 their duties. Said council shall hold one meeting each calendar quarter
225 and such additional meetings as may be prescribed by council rules. In
226 addition, special meetings may be called by the chairperson or by any
227 three members upon delivery of forty-eight hours written notice to
228 each member.

229 Sec. 510. Section 4e-8 of the general statutes is repealed and the
230 following is substituted in lieu thereof (*Effective October 1, 2010*):

231 There is established a Contracting Standards Advisory Council,
232 which shall consist of representatives from the Office of Policy and
233 Management, Departments of Administrative Services, Transportation
234 [Public Works] and Information Technology and representatives of at
235 least three additional contracting agencies, including at least one
236 human services related state agency, designated by the Governor. The
237 Chief Procurement Officer shall be a member of the council and serve
238 as chairperson. The advisory council shall meet at least four times per
239 year to discuss state procurement issues and to make
240 recommendations for improvement of the procurement processes to
241 the State Contracting Standards Board. The advisory council may
242 conduct studies, research and analyses and make reports and
243 recommendations with respect to subjects or matters within the
244 jurisdiction of the State Contracting Standards Board.

245 Sec. 511. Subsection (d) of section 10-292 of the general statutes is
246 repealed and the following is substituted in lieu thereof (*Effective*
247 *October 1, 2010*):

248 (d) If the Department of Administrative Services [or the Department
249 of Public Works] makes a state contract available for use by towns or
250 regional school districts, a town or regional school district may use
251 such contract, provided the actual estimate for the school building
252 project under the state contract is not given until receipt by the town or
253 regional school district of approval of the plan pursuant to this section.

254 Sec. 512. Subsection (b) of section 16a-35c of the general statutes is
255 repealed and the following is substituted in lieu thereof (*Effective*
256 *October 1, 2010*):

257 (b) The Secretary of the Office of Policy and Management, in
258 consultation with the Commissioners of Economic and Community
259 Development, Environmental Protection, [Public Works]
260 Administrative Services, Agriculture, Transportation, the chairman of
261 the Transportation Strategy Board, the regional planning agencies in
262 the state and any other persons or entities the secretary deems
263 necessary shall develop recommendations for delineation of the
264 boundaries of priority funding areas in the state and for revisions
265 thereafter. In making such recommendations the secretary shall
266 consider areas designated as regional centers, growth areas,
267 neighborhood conservation areas and rural community centers on the
268 state plan of conservation and development, redevelopment areas,
269 distressed municipalities, as defined in section 32-9p; targeted
270 investment communities, as defined in section 32-222; public
271 investment communities, as defined in section 7-545, enterprise zones,
272 designated by the Commissioner of Economic and Community
273 Development under section 32-70, corridor management areas
274 identified in the state plan of conservation and development and the
275 principles of the Transportation Strategy Board approved under
276 section 13b-57h. The secretary shall submit the recommendations to
277 the Continuing Legislative Committee on State Planning and

278 Development established pursuant to section 4-60d for review when
279 the state plan of conservation and development is submitted to such
280 committee in accordance with section 16a-29. The committee shall
281 report its recommendations to the General Assembly at the time said
282 state plan is submitted to the General Assembly under section 16a-30.
283 The boundaries shall become effective upon approval of the General
284 Assembly.

285 Sec. 513. Section 22a-26a of the general statutes is repealed and the
286 following is substituted in lieu thereof (*Effective October 1, 2010*):

287 The Department of Environmental Protection, in consultation with
288 the Departments of Transportation and [Public Works] Administrative
289 Services, The University of Connecticut and other state agencies with
290 jurisdiction over state-owned properties, shall identify state-owned
291 properties which provide public access to the waters of Long Island
292 Sound and, in addition, identify other properties which the state may
293 acquire to provide public access to the waters of Long Island Sound.
294 The properties to be identified shall include highway easements,
295 bridge crossings, university-owned lands, railroad rights-of-way and
296 other coastal or riverfront properties owned or controlled by the state
297 or by others. State-owned properties which are used for non-water-
298 dependent activities shall be assessed for reclassification to public
299 water-dependent use or shared use. The department shall submit a
300 report of its findings to the joint standing committee of the General
301 Assembly having cognizance of matters concerning the environment
302 on or before October 1, 1992, and the Comptroller shall cause such
303 findings to be added to and made a part of the inventory of state
304 property required pursuant to the provisions of section 4-36.

305 Sec. 514. Subsection (c) of section 31-57c of the general statutes is
306 repealed and the following is substituted in lieu thereof (*Effective*
307 *October 1, 2010*):

308 (c) The Commissioner of [Public Works] Administrative Services
309 may disqualify any contractor, for up to two years, from bidding on,

310 applying for, or participating as a subcontractor under, contracts with
311 the state, acting through any of its departments, commissions or other
312 agencies, except [the Department of Administrative Services,] the
313 Department of Transportation and the constituent units of the state
314 system of higher education, for one or more causes set forth under
315 subsection (d) of this section. The commissioner may initiate a
316 disqualification proceeding only after consulting with the contract
317 awarding agency, if any, and the Attorney General and shall provide
318 notice and an opportunity for a hearing to the contractor who is the
319 subject of the proceeding. The hearing shall be conducted in
320 accordance with the contested case procedures set forth in chapter 54.
321 The commissioner shall issue a written decision within ninety days of
322 the last date of such hearing and state in the decision the reasons for
323 the action taken and, if the contractor is being disqualified, the period
324 of such disqualification. The existence of a cause for disqualification
325 shall not be the sole factor to be considered in determining whether the
326 contractor shall be disqualified. In determining whether to disqualify a
327 contractor, the commissioner shall consider the seriousness of the
328 contractor's acts or omissions and any mitigating factors. The
329 commissioner shall send the decision to the contractor by certified
330 mail, return receipt requested. The written decision shall be a final
331 decision for the purposes of sections 4-180 and 4-183.

332 Sec. 515. Section 31-390 of the general statutes is repealed and the
333 following is substituted in lieu thereof (*Effective October 1, 2010*):

334 (a) The Labor Commissioner and the Commissioners of Economic
335 and Community Development and [Public Works] Administrative
336 Services shall have the right of inspection of any such project at any
337 time.

338 (b) The Labor Commissioner and the Commissioners of Economic
339 and Community Development and [Public Works] Administrative
340 Services and the Secretary of the Office of Policy and Management are
341 authorized to make orders, establish guidelines and adopt regulations
342 under the provisions of chapter 54 with respect to the implementation

343 of this chapter.

344 (c) At the request of the commissioners, any agency or department
345 of the executive branch shall advise and assist the commissioners in
346 the implementation of this chapter.

347 Sec. 516. Section 4-125 of the general statutes is repealed. (*Effective*
348 *from passage*)"